

Service Date: March 29, 1994

FINAL ORDER NO. 6288
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF **Early Bird Enterprises**)
Inc., Sheridan, Wyoming, application for) Docket T-93.166.PCN
a Montana Intrastate Certificate of Public) Order No. 6288
Convenience and Necessity.)

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 24, 1993, Early Bird Enterprises, Inc., P.O. Box 376, Sheridan, Wyoming 82801 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class C - Medical specimens including body fluids and issue and related documents and records between all points and places in the State of Montana. Limitations: Transportation is restricted to the accounts of Deaconess Medical Center, Billings, Montana and Medical Reference Laboratories, Inc., Billings, Montana and/or their successors in interest.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public . That notice said in pertinent part:

If no written protests are received by December 29, 1993, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support and proposed contracts.

3. Protests were filed by TBB Limited, Inc. dba Billings yellow Cab, Billings, Montana; Diversified Transfer & Storage dba DTS, Billings, Montana; Lanette C. Walker dba La Courier, Pablo, Montana; and Myrneth Constance (Connie) Lacy dba Moonlight Security, Billings, Montana.

4. Diversified Transfer & Storage dba DTS withdrew their protest to the docket on February 23, 1994. Applicant, on March 7, 1994, restrictively amended the application prohibiting transportation which both originates and terminates within the City of Billings, Montana. All other protests were subsequently withdrawn.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 14th day of March, 1993, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-93.166.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Early Bird Enterprises, Inc., Sheridan, Wyoming for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C -Medical specimens including body fluids and tissue and related documents and records between all points and places in the State of Montana. Limitations:
1. Transportation hereunder which both originates and terminates within the city of Billings, Montana is prohibited. 2. Transportation is restricted to the accounts of Deaconess Medical Center, Billings, Montana and Medical Reference Laboratories, Inc., Billings, Montana and/or their successors in interest.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 14th day of March, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

